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Remarks

The present response is to the Office Action mailed in the above referenced case
on November 28, 2006. Claims 1-28 are standing for examination. The Examiner rejects
claims 1-11 under 35 U.S.C. 101. Claims 1-28 are rejected under 35 U.S.C. 103(a) as
being unpatentable over DaCosta et al. (US 6,826,553) hereinafter DaCosta in view of
Weinberg et al. (US 6,360,332) hereinafter Weinberg.

Regarding the 101 rejection, applicant herein amends claim 1 to recite executing
the software application on a computer server. Applicant believes said amendment
overcomes the 101 rejection asserted against claims 1-11.

Regarding the 103(a) rejection, relying on the primary reference of DaCosta,
applicant herein points out that the filing date on applicant's disclosure is prior to the
filing date in the art of DaCosta. Applicant notes that DaCosta is a CIP of SN
09/465,028, and that provisional application 60/147,875 is also claimed as priority for
DaCosta. Applicant hopes we will be forgiven for questioning the issue, but the use of
the teaching of DaCosta as published in 6826553 is not sufficient for the rejection. The
subject matter relied upon in DaCosta by the Examiner to reject applicant's claims must
be clearly taught in one or the other of SN 09/465,028 or provisional 60/147,875 for the
examiner to rely on the date of one or the other to make the rejection. The applicant has
caused to be searched the SN 09/465,028, and there is no issued patent with that SN.
Therefore, applicant respectfully requests that the Examiner provide the true source of the
teaching relied upon in the rejection, and point out where in said source the subject matter
is disclosed. If the source is the as-filed spec. for 6826553, the priority is after the filing
date of the present case, and the reference cannot be used.

Notwithstanding the above, the Examiner, in the present 103(a) rejection states
that:
"DaCosta does not specifically teach storing the data file in a data repository with a point-
of-failure indication and an identifier of the associated electronic information page
subjected to the navigation. Weinberg teaches storing the data file (column 2, lines 39-40;

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column 6, lines 19-22), wherein the application periodically submits test navigation and interaction routines (column 6, lines 19-22), and upon failure of the routine, creates a data file (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 19-22; column 17, lines 10-52)(Fig. 5F), the data file comprising a point-of-failure indication within the failed routine (Fig. 5F: column 17, lines 17-21), an identifier of the associated electronic page (columns 17-18: lines 62-12)(Fig. 5F: "URL: www.mercint.com"), and stores the data file in the data repository sending notification of the action to the developer (column 2, lines 39-40; column 6, lines 15-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to have stored the failed navigation script of DaCosta and for the proper notifications of the failed script to have included a point in process of the failure along with the an identifier of the associated web page, because Weinberg teaches that by storing the failed navigation script, a developer can easily display the results of the navigation and quickly determine the location of the failure of the routine (column 3, lines 29-44)."

However, applicant specifically claims; "a change-notification module for indicating a point in process where a navigation and interaction routine has failed and for creating a data file containing parameters associated with the failed routine." Applicant argues that Weinberg merely marks where ..... Weinberg teaches; "Yet another inventive feature of the testing tool involves displaying the results of test execution using a hierarchical node structure ("report tree") in which steps of the test are represented by corresponding nodes. When the user selects a node from the report tree, the testing tool automatically displays results (e.g., a returned screen, or results of a verification step) associated with the corresponding step (col. 3, lines 29-37).

Weinberg further teaches that the testing tool records interactions between a web browser and a web server, including link selections and form submissions made by the user and pages returned by the server. During or following the recording session, the user can define verification steps to test for expected server responses. For example, the user can define verification steps to test for expected text messages, images, or numerical values within a web page or other screen returned by the transactional server. Applicant

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argues that Weinberg's ability to store the results of verification steps cannot read on applicant's claimed limitation of;" indicating a point in process where a navigation and interaction routine has failed and for creating a data file containing parameters associated with the failed routine and; "... upon failure of a test routine, creates the data file, the data file comprising a point-of-failure indication within the failed routine, an identifier of the associated electronic information page subjected to the navigation routine, and stores the data file in the data repository sending notification of the action to the developer.

Applicant argues that because Weinberg fails to store a data file comprising a point of failure of a navigation routine, the art cannot be used in a combination to read on applicant's claim. There is no art to create and store a data file indicating a point of failure of a navigation routine. Weinberg merely records the failure of a verification step, which has nothing to do with actual navigation, as claimed and argued above.

Based on the above arguments regarding Weinberg, and the question of DaCosta being valid art, applicant believes claims 1, 12 and 18 are patentable over the art of DaCosta and Weinberg. Dependent claims 2-11, 13-17 and 19-28 are patentable on their own merits, or at least as depended from a patentable claim.

If there are any time extensions needed beyond any extension specifically requested with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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